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 CITY OF CARSON, a municipal corporation; CITY
 OF CARSON MOBILEHOME PARK RENTAL
 REVIEW BOARD, a public administrative body

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COLONY COVE PROPERTIES, LLC, a
 Delaware limited liability company,

Plaintiff,
 vs.

CITY OF CARSON, a municipal
 corporation; CITY OF CARSON
 MOBILEHOME PARK RENTAL
 REVIEW BOARD, a public
 administrative body; and DOES 1 to 10,
 inclusive,

Defendants.

Case No. CV14-03242 PSG (PJWx)

**DEFENDANTS' REQUEST FOR
 JUDICIAL NOTICE**

[Filed concurrently with Notice of
 Motion and Motion to Dismiss
 Complaint; Memorandum of Points
 and Authorities in Support Thereof;
 Declaration of Jeff M. Malawy;
 [Proposed] Order]

Date: August 11, 2014
 Time: 1:30 p.m.
 Courtroom: 880 - Roybal
 Judge: Hon. Philip S. Gutierrez

Defendants City of Carson and City of Carson Mobilehome Park Rental
 Review Board (collectively, "City") hereby request the Court to take judicial notice
 pursuant to Federal Rule of Evidence ("FRE") 201 of the facts and items listed
 below.

1 FRE 201 allows this Court to take judicial notice of facts that are not subject to
2 reasonable dispute in that they are either (1) generally known within the territorial
3 jurisdiction or (2) capable of accurate determination by resort to sources whose
4 accuracy cannot reasonably be questioned. FRE 201(b).

5 1. Exhibit A -- The City's Mobilehome Rent Control Ordinance, Carson
6 Municipal Code, art. IV, ch. 7, §§ 4700-4711 (the "Ordinance").

7 2. Exhibit B -- City Council Resolution No. 98-010, enacted on
8 February 17, 1998, adopting the Guidelines for Implementation of the Mobilehome
9 Space Rent Control Ordinance ("Guidelines").

10 3. Exhibit C -- City Council Resolution No. 06-149, enacted on
11 October 31, 2006, amending the Guidelines.

12 4. Exhibit D -- City's Mobilehome Park Rental Review Board ("Board")
13 Resolution No. 2008-256, adopted on August 6, 2008, granting Plaintiff Colony
14 Cove Properties, LLC ("Colony Cove") a rent increase under the Ordinance.

15 5. Exhibit E -- "Petition For Writ Of Administrative Mandate," filed
16 December 23, 2009 by Colony Cove in *Colony Cove Properties, LLC v. City of*
17 *Carson and City of Carson Mobilehome Park Rental Review Board*, Los Angeles
18 Superior Court Case No. BS124253 ("Year 1").

19 6. Exhibit F -- "Notice Of Motion And Motion For Writ Of Administrative
20 Mandate; Memorandum Of Points And Authorities In Support Thereof," filed May 3,
21 2010 by Colony Cove in *Colony Cove Properties, LLC v. City of Carson and City of*
22 *Carson Mobilehome Park Rental Review Board*, Los Angeles Superior Court Case
23 No. BS124253.

24 7. Exhibit G -- Board Resolution No. 2009-269, adopted on July 8, 2009,
25 granting Colony Cove a rent increase under the Ordinance.

26 8. Exhibit H -- "Verified Petition For Writ Of Administrative Mandate,"
27 filed February 3, 2010 by Colony Cove in *Colony Cove Properties, LLC v. City of*
28 *Carson and City of Carson Mobilehome Park Rental Review Board*, Los Angeles

1 Superior Court Case No. BS124776 (“Year 2”).

2 9. Exhibit I -- Board Resolution No. 2010-277, adopted on February 24,
3 2010, granting Colony Cove a rent increase under the Ordinance.

4 10. Exhibit J -- “Verified Petition For Writ Of Administrative Mandate,”
5 filed August 11, 2010 by Colony Cove in *Colony Cove Properties, LLC v. City of*
6 *Carson and City of Carson Mobilehome Park Rental Review Board*, Los Angeles
7 Superior Court Case No. BS127863 (“Year 3”).

8 11. Exhibit K -- Board Resolution No. 2011-289, adopted on March 23,
9 2011, granting Colony Cove a rent increase under the Ordinance.

10 12. Exhibit L -- “Verified Petition For Writ Of Administrative Mandate,”
11 filed June 20, 2011 by Colony Cove in *Colony Cove Properties, LLC v. City of*
12 *Carson and City of Carson Mobilehome Park Rental Review Board*, Los Angeles
13 Superior Court Case No. BS132471 (“Year 4”).

14 13. Exhibit M -- Board Resolution No. 2012-306, adopted on October 10,
15 2012, granting Colony Cove a rent increase under the Ordinance.

16 14. Exhibit N -- “Verified Petition For Writ Of Administrative Mandate,”
17 filed December 20, 2012 by Colony Cove in *Colony Cove Properties, LLC v. City of*
18 *Carson and City of Carson Mobilehome Park Rental Review Board*, Los Angeles
19 Superior Court Case No. BS140908 (“Year 5”).

20 15. Exhibit O -- Board Resolution Nos. 2004-226, 2004-227, and 2004-230,
21 adopted in 2004, granting rent increases to park owners using the Maintenance of
22 Net Operating Income methodology.

23 16. Exhibit P -- Resolution No. 09-108 of the City Council of the City of
24 Carson Approving Tentative Parcel Map No. 067049 for Mobilehome Resident
25 Ownership Conversion of Colony Cove Mobilehome Park, adopted on October 20,
26 2009.

27 17. Exhibit Q -- Carson Municipal Code, art. IX, ch. 1, § 9128.21.
28

1 18. Exhibit R -- "Notice of Related Case," filed by Carson Harbor Village,
2 Ltd., in *Carson Harbor Village, Ltd. v. City of Carson*, Los Angeles County Superior
3 Court Case No. BS112239.

4 19. Exhibit S -- California Secretary of State Corporate Filing Information
5 And Officers for Colony Cove Properties, LLC; Carson Harbor Village, Ltd.;
6 Goldstein Properties, Inc.; and El Dorado Palm Springs, L.P.

7 20. Exhibit T -- 1984 State of California Certificate of Limited Partnership
8 for Carson Harbor Village, Ltd., and 1986, 2004, and 2008 amendments to same.

9 It is proper for this Court to take judicial notice of the ordinances and
10 resolutions identified above as "Exhibit A," "Exhibit B," "Exhibit C," "Exhibit D,"
11 "Exhibit G," "Exhibit I," "Exhibit K," "Exhibit M," "Exhibit O," "Exhibit P," and
12 Exhibit Q". Public records on file with the City Clerk, such as ordinances,
13 resolutions, permit applications, and public contracts, are proper subjects for judicial
14 notice. *Santa Monica Food Not Bombs v. City of Santa Monica* ("Food Not
15 Bombs"), 450 F.3d 1022, 1025 (9th Cir. 2006) [city ordinances are proper subjects
16 for judicial notice].


17 It is proper for this Court to take judicial notice of the state court filings
18 identified above as "Exhibit E," "Exhibit F," "Exhibit H," "Exhibit J," "Exhibit L,"
19 "Exhibit N," and "Exhibit R". Federal courts may "take notice of proceedings in
20 other courts, both within and without the federal judicial system, if those proceedings
21 have a direct relation to the matters at issue." *U.S. ex rel Robinson Rancheria*
22 *Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992). Here, the City's
23 Motion to Dismiss uses these documents to demonstrate that certain issues were
24 raised and decided in prior state court litigation between these same parties, for issue
25 preclusion and/or claim preclusion purposes. Judicial notice for this purpose is
26 appropriate. *Manufactured Home Communities, Inc. v. City of San Jose*, 420 F.3d
27 1022, 1037 (9th Cir. 2005).
28

1 It is proper for this Court to take judicial notice of corporate filings as
 2 identified above as "Exhibit S" and "Exhibit T". *Lee v. City of Los Angeles*, 250
 3 F.3d 668, 689 (9th Cir. 2001) [court may take judicial notice of matters of public
 4 record]; *Grassmuck v. Barnett*, 281 F. Supp. 2d 1227, 1232 (W.D. Wash. 2003)
 5 [public records kept by Secretary of State "fall directly into the category of items the
 6 Ninth Circuit generally considers proper for judicial notice."].

7 Based upon the foregoing, the City respectfully requests that this Court grant
 8 its Request for Judicial Notice.

9
 10 Dated: June 11, 2014

WILLIAM W. WYNDER
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 JEFF M. MALAWY
 KATHRYN C. PHELAN
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 13
 14 By: 
 15 William W. Wynder
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 16 CITY OF CARSON, a municipal
 17 corporation; CITY OF CARSON
 MOBILEHOME PARK RENTAL
 18 REVIEW BOARD, a public
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